



Docket Number 50018A

**CERTIFICATE OF MAILING**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: United States Patent and Trademark Office, P.O. Box 2327, Arlington, VA 22202.

Melissa Hardy

Type or Print Name

April 30, 2002

Date

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF: PASCAL ET AL.

GROUP ART UNIT: 1638

SERIAL NO.: 10/087,167

EXAMINER: Not Yet Assigned

FILED: March 1, 2002

CONFIRMATION NO.: 4256

FOR: CONTROL OF GENE EXPRESSION IN PLANTS

United States Patent and Trademark Office  
P.O. Box 2327  
Arlington, VA 22202

**PETITION TO ACCORD CORRESPONDENCE FILING DATE SHOWN  
ON EXPRESS MAIL LABEL "DATE-IN"  
(37 C.F.R. § 1.10(c))**

1. This is a petition to accord the correspondence in the above-identified application the "date-in" of October 24, 2001 shown on the Express Mail Label No. ET327549134US.

It is respectfully contended that the date of March 1, 2002 accorded this correspondence by the United States Patent and Trademark Office is incorrect.

2. The discrepancy was discovered upon review of the Filing Receipt, a copy of which is enclosed, dated April 22, 2002. This petition is being filed promptly thereafter. 37 C.F.R. § 1.10(c)(1).

Adjustment date: 08/02/2002 AKELLEY  
05/08/2002 SLUANG1 00000004 10087167  
01 FC:122 -130.00 OP

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Refund Ref: 08/02/2002  
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OFFICE OF PETITIONS

3. Attached is a true copy of the first page of the correspondence which was filed, showing both the date of which this correspondence was mailed as Express Mail Label No.

ET327549134US and that the number of the Express Mail was placed thereon prior to mailing.  
37 C.F.R. § 1.10(c)(2).

4. Attached is a true copy of the "Express Mail" mailing label showing the "date-in" of October 24, 2001. 37 C.F.R. § 1.10(c)(3).

5. Please charge the petition fee of \$130.00 to Applicant's credit card. A Credit Card Payment Form is enclosed for processing.

Respectfully submitted,



Signature of Practitioner

Date: 4-30-02

Randee Schwartz, Reg. No. 45,085

Type or print name of person signing

Syngenta Biotechnology, Inc.

3054 Cornwallis Road

P.O. Box 12257

Research Triangle Park, NC 27709-2257

**UNITED STATES PATENT & TRADEMARK OFFICE**  
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND				
1 Date of Request: <u>8-2-02</u>		2 Serial/Patent # <u>10/087,167</u>		
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Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:

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